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Attorneys for Defendants
 HTC Corporation and HTC America, Inc.

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA**

TOUCHSCREEN GESTURES LLC,

Plaintiff ,

v.

HTC CORPORATION, ET AL.

Defendants.

No. 3:13-cv-01772-WHA

**STIPULATION OF DISMISSAL
 OF CLAIMS**

WHEREAS, on April 11, 2012, plaintiff Touchscreen Gestures LLC (“Touchscreen”) filed its original complaint against defendants HTC Corporation and HTC America, Inc. (hereinafter collectively “HTC”) in this case in the United States District Court for the Eastern District of Texas, asserting patent infringement;

WHEREAS, Touchscreen has over time in this case asserted HTC infringes U.S. Patent No.7,184,031 (“the ‘031 patent”), U.S. Patent No.7,180,506 (“the ‘506 patent”), U.S. Patent No. 7,190,356 (“the ‘356 patent”), United States Patent No. 7,319,457 (“the ‘457 patent”), U.S.

Patent No. 8,164,575 (“the ‘575 Patent”), and United States Patent No. 7,274,357 (“the ‘357 Patent”);

WHEREAS, HTC has timely denied it infringes any of the claims of the foregoing patents and asserted that the claims of the foregoing patents are invalid;

WHEREAS, the United States District Court for the Eastern District of Texas transferred this case to the Northern District of California as a clearly more convenient jurisdiction in which to resolve Touchscreen’s claims against HTC;

WHEREAS, after the case was transferred, on October 17, 2013, the Court entered an Order (Doc. #72), at the joint request of Touchscreen and HTC, dismissing with prejudice Touchscreen’s claims of infringement concerning the ‘031 patent, the ‘457 patent, the ‘575 patent, and the ‘357 patent, and concerning the making, use, sale, offering for sale, or importation of any HTC products that were accused of infringement or could have been accused of infringement; and

WHEREAS, Touchscreen continued to assert that HTC infringed, and was infringing, the ‘356 patent and the ‘506 patent;

WHEREAS, Touchscreen served its Disclosure of Asserted Claims and Infringement Contentions against HTC with respect to the ‘356 patent and the ‘506 patent, charting the HTC Evo smartphone and the HTC flyer tablet, and asserting that all smartphones and tablets that operate in the same manner also infringe; and

WHEREAS, the parties wish to resolve Touchscreen’s remaining disputed claims in this litigation, which concern the ‘356 patent and the ‘506 patent.

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), Plaintiff Touchscreen Gestures LLC and defendants HTC Corporation and HTC America, Inc. hereby stipulate to dismissal of all claims in the instant lawsuit, dismissing all of Touchscreen’s remaining claims with prejudice and dismissing HTC’s counterclaims without prejudice as moot, as follows:

- (1) Touchscreen’s claim that HTC has infringed, and is infringing, the ‘356 patent and the ‘506 patent by HTC products that were accused or could have been accused by

Plaintiff as of the date of Plaintiff's Second Amended Complaint (Doc. # 75) is DISMISSED WITH PREJUDICE and HTC's counterclaims seeking declaratory judgment of non-infringement and invalidity of the '356 patent and the '506 patent are DISMISSED WITHOUT PREJUDICE as moot;

(2) Touchscreen's claims as alleged in its Second Amended Complaint are DISMISSED WITH PREJUDICE; and

(3) If Touchscreen or any of its successors-in-interest or affiliates later seek to assert any claim that HTC or any of its affiliates has infringed the '031 patent, the '506 patent, the '356 patent, the '457 patent, the '575 patent, or the '357 patent, or any related patents thereto, any such claims shall be brought exclusively in the Northern District of California, and the party asserting such claims shall inform the court that those claims are related to the present litigation.

Dated: December 9, 2013

Respectfully submitted,

/s/ Winston O. Huff

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